

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Karen L. Bartlett

v.

Civil No. 08-cv-358-JL

Mutual Pharmaceutical
Company, Inc.

**ORDER FOLLOWING
TELEPHONE CONFERENCE**

Stern/Valuck depositions

In connection with the upcoming depositions of Drs. Valuck and Stern, which have been reopened by order of this court (document no. 251), the court orders each of the witnesses to produce forthwith the following documents, insofar as they are within his possession, custody, or control:

1. All documents concerning, discussing, relating or referring to the draft version of Dr. Stern's manuscript (document no. 230-2); and
2. All communications between either witness and any attorney for Mutual Pharmaceutical Company, Inc. concerning that witness's depositions in this matter, or the draft version of Dr. Stern's manuscript (document no. 230-2).

Motion to bifurcate

The plaintiff's objection to the motion to bifurcate (document no. 280) is due **July 29, 2010**.

Negligence claim

On or before **August 9, 2010**, the parties shall brief the following three issues (25 page limit, not including exhibits or attachments):

1. Whether Bartlett has a trialworthy negligence claim based on defective design;

2. Assuming the answer to the first question is no, whether Bartlett has a trialworthy claim for enhanced compensatory damages in connection with her strict liability claim; and

3. Assuming the answer to both the first and second questions is no, whether (or to what extent) Bartlett may introduce evidence of Mutual's conduct, such as its failure to survey the medical literature for information about Sulindac's safety risks.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: July 27, 2010

cc: Keith M. Jensen, Esq.
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